

Remarks

Claims 1-23 remain in this application. Claims 24-26 has been added. No claims have been cancelled or withdrawn.

For the reasons more fully outlined below and in the original specification, Applicant respectfully submits that the pending claims 1-26 are in condition for allowance and respectfully requests reconsideration and withdrawal of all rejections.

Rejections Under 35 U.S.C. § 112

Claims 1 and 5 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. The rejection of claim 1 is understood to be based on the premise that it is vague and unclear in the claim language what Applicant means by "pre-determined network security policy". Further, the rejection of claim 1 is understood to be further based on the premise that it is unclear and cannot be determined where the electronic record is being sent from to the recipient.

Applicant has amended claim 1 to more particularly articulate the subject matter that Applicant regards as the invention. For example, claim 1 recites creating an electronic tag that is associated with a deletion prevention time period for compliance with pre-determined network security rules. Further, claim 1 recites sending the electronic record from the distributed computing environment to the recipient.

Regarding claim 5, the rejection is understood to be based on the premises that the claim limitation is confusing as written and that there appears to be some wording missing in the claim limitation. Applicant has amended claim 5 to enhance the clarity of the claim language.

Applicant respectfully submits that the claims, as amended, particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Accordingly, Applicant requests that the rejection of claims 1 and 5 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Rejections Under 35 U.S.C. § 103

Claim 1 stands rejected under 35 U.S.C. § 103(a) as unpatentable over http://www.ustrim.com/trim/page_31.htm [hereinafter *ustrim*] in view of U.S. Patent No. 6,108,688 to *Nielsen* [hereinafter *Nielsen*]. This rejection is understood to be based in part on the premise that *ustrim* teaches creating an electronic tag that uniquely identifies the electronic record, the electronic tag being associated with a specified time for compliance with the pre-determined network security policy and storing the at least one electronic tag in a central repository. The rejection is further understood to be based on the premise that *ustrim* teaches automatically denying a request to delete the electronic record before expiration of the specified time period associated with the electronic tag.

Applicant respectfully traverses the rejection. Applicant understands the basis for the assertion that *ustrim* contains the latter teaching to be that *ustrim* includes a figure depicting a screen shot of a 2 year archive and destroying after 6 years. This assertion is further understood to be based on the premise that it is well known in the art of electronic mail and network security that electronic mail documents are either deleted, purged, archived, or destroyed after a period of time.

Applicant respectfully submits that the figure in *ustrim* teaches, at most, automatically destroying an electronic record when the electronic record is 6 years

old. That is, *ustrim* teaches, at most, automatically deleting an electronic record at the expiration of a certain amount of time.

By contrast, claim 1 recites a method in which a request to delete an electronic record before expiration of a deletion prevention time period is denied. Rather than automatically deleting an electronic record, the method recited in claim 1 automatically denies a premature deletion request, thereby preserving the electronic record until its deletion is consistent with network security rules.

Accordingly, *ustrim* fails to teach the method recited in claim 1, either singly or in combination with *Nielsen*. Thus, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. § 103(a) be withdrawn.

Claims 2-23 stand rejected under 35 U.S.C. § 103(a) as unpatentable over *ustrim* and *Nielsen* in view of U.S. Patent No. 5,245,532 to *Mourier* [hereinafter *Mourier*]. With respect to claims 2-12, for at least the reasons detailed above, Applicant submits that *ustrim* and *Nielsen* fail to teach the method recited in claim 1, singly or in combination with one another and with *Mourier*. Claims 2-12 depend from claim 1 and incorporate all of the limitations recited in claim 1. Accordingly, *ustrim* and *Nielsen* fail to teach the methods recited in claims 2-12, singly or in combination with one another and with *Mourier*.

With respect to claims 13-16, the reasoning articulated above in the context of claim 1 applies with equal force to claim 13. Claims 14-16 depend from claim 13 and incorporate all of the limitations recited in claim 13. Accordingly, *ustrim* and *Nielsen* fail to teach the methods recited in claims 13-16, singly or in combination with one another and with *Mourier*.

With respect to claims 17-22, the reasoning articulated above in the context of claim 1 applies with equal force to claim 17. Claims 18-22 depend from claim 17 and incorporate all of the limitations recited in claim 17. Accordingly, *ustrim* and *Nielsen* fail to teach the methods recited in claims 17-22, singly or in combination with one another and with *Mourier*.

With respect to claim 23, the reasoning articulated above in the context of claim 1 applies with equal force to claim 23. Accordingly, *ustrim* and *Nielsen* fail to teach the methods recited in claim 23, singly or in combination with one another and with *Mourier*.

For at least these reasons, Applicant respectfully submits that the cited art, either alone or in combination, does not teach or suggest Applicant's invention as claimed. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

On the basis of the foregoing amendments, remarks, and papers of record, Applicant respectfully submits that the remaining claims 1-26 are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
Andrea-Marie Jacobson
By her attorneys

MOORE, HANSEN & SUMNER PLLP
225 South Sixth Street
Suite 4850
Minneapolis, Minnesota 55402
(612) 332-8200

Date: February 28, 2005

By


Allen J. Oh, Registration No. 42,047